

AMENDMENTS TO THE DRAWINGS

Attached hereto are two (2) sheets of corrected formal drawings that comply with the provisions of 37 C.F.R. § 1.84. The corrected formal drawings incorporate the following drawing changes:

In FIGs. 1 and 2, the legend “Background Art” has been added.

In FIG. 3, the reference numeral “52” has been added to designate the partition wall.

It is respectfully requested that the corrected formal drawings be approved and made a part of the record of the above-identified application.

Attachment: Replacement sheets

REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-18 are now present in the application. The specification, the drawings, and claims 1-6 have been amended. Claims 7-18 have been added. Claim 1 is independent. Reconsideration of this application, as amended, is respectfully requested.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed on June 2, 2005, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

Drawings Objections

The drawings have been objected to the presence of minor informalities. Applicants have submitted two (2) sheets of corrected formal drawings to address the Examiner's requested changes. Accordingly, Applicants respectfully submit that this objection has been obviated and/or rendered moot. Reconsideration and withdrawal of the Examiner's drawings objection are respectfully requested.

Specification Objections

The specification has been objected to due to the presence of minor informalities. In view of the foregoing amendments, in which the Examiner's helpful suggestions have been followed, it is respectfully submitted that this objection has been addressed. Accordingly,

Applicants respectfully submit that this objection has been obviated and/or rendered moot. Reconsideration and withdrawal of this objection are respectfully requested.

Claim Objections

Claims 1, 4 and 6 have been objected to due to the presence of minor informalities. In view of the foregoing amendments, in which the Examiner's helpful suggestions have been followed, it is respectfully submitted that this objection has been addressed. Accordingly, Applicants respectfully submit that this objection has been obviated and/or rendered moot. Reconsideration and withdrawal of this objection are respectfully requested.

Claim Rejections Under 35 U.S.C. §112

Claims 1-6 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

In view of the foregoing amendments, it is respectfully submitted that this rejection has been addressed. Accordingly, all pending claims are now definite and clear. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, are therefore respectfully requested.

Claim Rejections Under 35 U.S.C. §§ 102 & 103

Claims 1 and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Jetter, U.S. Patent No. 2,802,646. Claims 2, 3, 5 and 6 stand rejected under 35 U.S.C. §103(a) as being

unpatentable over Jetter in view of Strindehag, U.S. Patent No. 4,084,633. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

In light of the foregoing amendments to the claims, Applicants respectfully submit that these rejections have been obviated and/or rendered moot. Without conceding to the propriety of the Examiner's rejections, but merely to timely advance the prosecution of the application, as the Examiner will note, independent claim 1 has been amended to recite a combination of elements including "the shaft being rotatable about an axis which is substantially perpendicular to a direction of an air flow flowing in at least one of the outdoor air passage and the indoor air passage".

Support for the above combination of elements can be found in FIG. 3 as originally filed. Applicants respectfully submit that the combination of elements set forth in claim 1 is not disclosed or suggested by the references relied on by the Examiner.

Jetter discloses a heat exchange apparatus including a rotor post 14, an gas passage and an air passage (see FIG. 1). As shown in FIG. 1 of Jetter, the axis of the rotor post 14 is parallel to the air/gas flow of the air/gas passage. Accordingly, Jetter fails to teach "the shaft being rotatable about an axis which is substantially perpendicular to a direction of an air flow flowing in at least one of the outdoor air passage and the indoor air passage" as recited in amended claim 1.

With regard to the Examiner's reliance on Strindehag, this reference has only been relied on for its teachings related to some dependent claims. Strindehag also fails to disclose the above

combination of elements as set forth in amended independent claim 1. Accordingly, Strindehag fails to cure the deficiencies of Jetter.

Accordingly, neither Jetter nor Strindehag individually or in combination teaches or suggests the limitations of amended independent claim 1. Therefore, Applicants respectfully submit that amended independent claim 1 clearly defines over the teachings of Jetter and Strindehag.

In addition, claims 2-6 depend, either directly or indirectly, from independent claim 1, and are therefore allowable based on their respective dependence from independent claim 1, which is believed to be allowable.

In view of the above remarks, Applicants respectfully submit that claims 1-6 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

Additional Claims

Additional claims 7-18 have been added for the Examiner's consideration. Support for new dependent claims 7-18 can be found in FIGs. 3 and 4 as originally filed.

Applicants respectfully submit that claims 7-18 are allowable due to their respective dependence on independent claim 1, as well as due to the additional recitations included in these claims.

Favorable consideration and allowance of additional claims 7-18 are respectfully requested.

Additional Cited References

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state of the art, no further comments are necessary with respect thereto.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

Application No. 10/537,311
Amendment dated April 10, 2006
Reply to Office Action of January 10, 2006

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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